

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 9-10 remain pending in the application. Claims 1-8 have been cancelled. Claims 9 and 10 have been amended to clarify the claimed invention.

In the Office Action, the Examiner states that the title of the invention is not descriptive. In this Amendment, the title has been changed to --AN OPTICAL PICKUP DEVICE EMITTING LINEAR POLARIZED LIGHT WITH A 45 DEGREE PHASE DIFFERENCE--. Therefore, this rejection should be withdrawn.

The disclosure is objected to because of the noted informalities. The specification has been amended to address these informalities. Therefore, this rejection should be withdrawn.

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Since claims 1-8 have been canceled and claims 9-10 have been rephrased to support antecedent basis, the rejection made to claims 1-8 is moot and should be withdrawn. Claims 9-10 have been resubmitted for reconsideration.

Claims 1-10 are rejected under 35 U.S.C. § 103 as been unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Schmitz et al. (U.S. Patent Application Pub. No. US 2002/0088922 A1 published on July 11, 2002). The rejection is respectfully traversed that neither AAPA and Schmitz et al. shows the claimed invention of the 45 and -45 phase angle for eliminating the light interference.

The present patent application is directed to an optical pickup head capable of carrying out better and clear signals, right from an optical disk. Compared to the Applicant's personal knowledge, in the beam splitter 12 of the known device it is easy to feed little P-type light back to laser diode, which causes light interference known as the intensive noise at signals (please refer to page 2 and Figure 1.) In this case, the present patent application provides a way to reduce the intensive noise by employing an original 45-degree linear polarized light from the laser diode. By this modification made to the optical pickup head, the feedback light from the beam splitter 22 is -45 degree phase angel difference, which is the key to reduce the light interference, so as to reduce the intensive noise. Furthermore, by this modification, the quarter wave plate 13 is no longer need. The cost of the optical pickup head is therefore able to be reduced.

However, in AAPA, Applicant clearly states the employment of 45 degree phase angle difference is not seen or disclosed by known art.

Schmitz et al. discloses a measurement device, which utilizes a laser to conduct the distance measurement. Particularly, the specific phase angle, as +45 degrees, is not critical.

Schmitz et al. states: “[t]he laser beam 211 may be linearly polarized and have a specific phase angle, such as +45 degrees, however other types of laser beams of laser beam configurations are also usable.” That is the +45 degrees laser beam is NOT utilized to reduce the intensive noise, especially to an image pickup head. Furthermore, in Schmitz et al., there are no such collimator, objective lens and beam splitter as shown in the claimed patent application, as recited in claims 9 and 10.

For the reasons stated above, Applicant respectfully submit that independent claim 9 and dependent claim 10 are patentable over the applied art. Accordingly, withdrawal of the rejections of the pending claims is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP**



Kenneth M. Berner  
Registration No. 37,093

Customer Number: 22429  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: September 30, 2005  
KMB/jd